

**REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-11 and 26-41 are pending (no claims have been amended). In the current Final Office Action, the Office maintains the §102(b) rejection of the pending claims and addresses some of Applicant's previous Response dated May 13, 2005 (*Office Action* p.2). Applicant identifies and addresses the Examiner's comments throughout the traversal of the §102 claim rejections below.

Applicant's remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the remarks should be entered to place the case in better form for appeal.

**Finality not Proper**

In Applicant's previous Response dated May 13, 2005, Applicant noted that claims 4-6 and 8-11 recite features which had not been addressed by the Office other than to merely indicate on p.3 of the Office Action dated 2/18/05 that the claims were rejected. The Office only addressed the features recited in claims 1-3 and 7. Applicant respectfully requested an examination of claims 4-6 and 8-11 if the Office did not indicate that these claims are allowable.

Again, the current Office Action does not address or even make mention of claims 4-6 and 8-11. Accordingly, these claims should be indicated by the Office as being allowable because no basis for rejection has been provided to support the §102 rejection of these claims.

1 Similarly, Applicant notes that claims 27 and 35-41 recite features which  
2 have not been addressed by the Office in either of the two Office Actions, other  
3 than to merely indicate on p.3 of the Office Action dated 2/18/05 that the claims  
4 were rejected. The Office has only addressed the features recited in claims 26 and  
5 28-34. Applicant respectfully requested an examination of claims 27 and 35-41 if  
6 the Office did not indicate that these claims are allowable.

7 Again, the current Office Action does not address or even make mention of  
8 claims 27 and 35-41. Accordingly, these claims should be indicated by the Office  
9 as being allowable because no basis for rejection has been provided to support the  
10 §102 rejection of these claims.

### 11 35 U.S.C. §102 Claim Rejections

12 Claims 1-11 and 26-41 are rejected under 35 U.S.C. §102(b) as being  
13 anticipated by U.S. Patent No. 6,080,207 to Kroening et al. (hereinafter,  
14 "Kroening") (*Office Action* dated 2/18/05 p.2). Applicant respectfully traverses  
15 the rejection.  
16

### 17 Examiner's Comment I

18 Claim 1 recites that an image of an operating system is generated with a host  
19 computing device and then communicated from the host computing device to a  
20 software development peripheral. The software development peripheral executes the  
21 image of the operating system and then test information generated by the operating  
22 system is communicated *from the software development peripheral to the host*  
23 *computing device.*  
24  
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1       The Office disregards the exchange of data between the two devices – the  
2 host computing device generates and communicates an image of the operating  
3 system to the software development peripheral, and then the software development  
4 peripheral communicates test information back to the host computing device. The  
5 single §102 reference, Kroening, does not show or disclose this exchange of data  
6 between two devices.

7       Kroening only describes that an image builder (20) (*see* Fig.1) creates a  
8 disk image of a desired software configuration and then transfers the image to a  
9 storage device (30) which is connected to a server (40) that delivers the image to  
10 different devices (50-56) (*Kroening* col.3, line 64 to col.4, line 1). The Office  
11 cites the image builder of Kroening as Applicant's software development  
12 peripheral recited in claim 1 (*Office Action* dated 2/18/05 p.2). However, the  
13 image builder in Kroening does not receive an image of an operating system from  
14 a host computing device. The image builder in Kroening also does not then  
15 communicate test information back to the host computing device.

16       Applicant notes that to support a §102 rejection, each and every element of  
17 the claim must be disclosed in the single reference, Kroening. However, Kroening  
18 does not support the §102 rejection of claim 1 because Kroening does not show or  
19 disclose that a host computing device communicates an image of an operating  
20 system to a software development peripheral, and then the software development  
21 peripheral communicates test information back to the host computing device, as  
22 recited in claim 1.

23       Additionally, claim 1 recites that it is the host computing device which  
24 generates the image of the operating system which is then communicated to the  
25

1 software development peripheral (where the test information is generated by the  
2 operating system). To the contrary, Kroening describes that the image builder (20)  
3 creates a disk image of the desired software configuration and then transfers that  
4 image to a storage device (30) (*Kroening* col.3, lines 64-67). The Office cites the  
5 image builder of Kroening as the software development peripheral recited in  
6 claim 1, yet Applicant recites that the host computing device generates the image  
7 of the operating system and not the software development peripheral, as the Office  
8 contends.

#### 9 10 Examiner's Comment II

11 Claim 1 also recites "displaying the test information generated by the  
12 operating system *at the host computing device.*" The Office comments that  
13 Kroening displays information and includes a display monitor (*Office Action* p.3).  
14 The Office cites to Kroening col.4, lines 64-67 and col.5, lines 1-5. Neither of  
15 these sections of Kroening have anything to do with displaying test information, or  
16 even displaying. The Office also cites to Kroening col.6, lines 1-17 which  
17 describes a monitor (22) (*see* Fig. 1) of the image builder (20).

18 Contrary to Kroening however, claim 1 recites that the test information is  
19 displayed at the host computing device – not at the software development  
20 peripheral (as described above, the Office cites the image builder of Kroening as  
21 Applicant's software development peripheral). Kroening does not show or  
22 disclose that test information is generated at a first device and then communicated  
23 for display at a second device such as the host computing device recited in  
24 claim 1.  
25

1  
2 The Office does not comment on Applicant's response that the image  
3 builder of Kroening does not execute an operating system corresponding to the  
4 image to generate test information that is communicated to the host computing  
5 device, as recited in claim 1. Kroening only describes that a software  
6 configuration is created – not that the software is tested or even executed.  
7 Presumably, the software obtained by the image builder from the storage device in  
8 Kroening has already been tested for consumer use. For example, Kroening  
9 describes that file names are examined by their name and creation date to  
10 determine which are to be replaced (*Kroening* col.5, lines 11-13). The baseline  
11 and/or additional incremental images (i.e., software as referred to in Kroening) are  
12 merely layered by the image builder to create the desired software configuration  
13 (*Kroening* col.4, lines 55-60). Kroening does not test software or execute software  
14 to generate test information and, as such, Applicant disagrees that Kroening is  
15 even applicable as a reference with regard to the subject application.

16  
17 Accordingly, claim 1 is allowable over Kroening for any one of these many  
18 reasons and Applicant respectfully requests that the §102 rejection be withdrawn.

19  
20 Claims 2-11 are allowable by virtue of their dependency upon claim 1.  
21 Additionally, some or all of claims 2-11 are allowable over Kroening for  
22 independent reasons. For example:

23 Claim 2 recites "recognizing a configuration identification of the software  
24 development peripheral with a cross-platform development component of the host  
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1 computing device when the software development peripheral is communicatively  
2 linked with the host computing device.”

3 The Office cites Kroening for “recognizing a configuration identification of  
4 the software development peripheral”, as recited in claim 2 (*Office Action* dated  
5 2/18/05 p.3; *Kroening* col.3, lines1-7; col.7, lines 17-20). However, the cited  
6 sections of Kroening simply refer to the image builder which identifies common  
7 portions of multiple software configurations, and calculates a configuration  
8 identification of entries in a bill of materials for a software configuration requested  
9 by a customer. There is no mention in Kroening of a component in a device that  
10 recognizes a configuration identification of a software development peripheral  
11 when the software development peripheral is communicatively linked with the  
12 host computing device, as recited in claim 2.

13 **Examiner’s Comment III**

14 The Office now cites to Kroening col.6, lines 19-34 for recognizing a  
15 configuration identification, as recited in claim 2 (*Office Action* p.3). Again as  
16 above, this cited section of Kroening simply refers to the image builder and the  
17 software image configurations created by the image builder which are stored in a  
18 storage device. There is no mention in Kroening of a component in a device that  
19 recognizes a configuration identification of a software development peripheral  
20 when the software development peripheral is communicatively linked with the  
21 host computing device, as recited in claim 2.

22 Accordingly, claim 2 is allowable over Kroening and the §102 rejection  
23 should be withdrawn.  
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1        Claim 5 recites “debugging the test information generated by the operating  
2 system with a cross-platform development component of the host computing  
3 device”. Kroening does not show or disclose debugging test information, as  
4 recited in claim 5. As described above in the response to the rejection of claim 1,  
5 Kroening merely assembles software images to create a software configuration for  
6 a customer. The software images in Kroening would presumably already be tested  
7 and debugged for commercial use, as described in Kroening.

8        **Examiner’s Comment IV**

9        The Office states that Kroening “suggests” a testing process when a  
10 software configuration is checked or tested (*Office Action* p.3; *Kroening* col.2,  
11 lines 54-67). However, the cited section of Kroening says nothing about testing a  
12 software configuration. Merely surmising that a reference suggests a feature of a  
13 claim does not support a §102 rejection where each and every element of the claim  
14 must be disclosed in the single reference. Kroening does not support the §102  
15 rejection of claim 1 because Kroening does not show or disclose “debugging the  
16 test information generated by the operating system with a cross-platform  
17 development component of the host computing device”, as recited in claim 5.

18        Accordingly, claim 5 is allowable over Kroening and the §102 rejection  
19 should be withdrawn.  
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1 Claim 26 recites a system, comprising:

2 a host computing device configured to generate an image of  
3 an operating system; and

4 a software development peripheral configured to:

5 receive the image of the operating system from the  
6 host computing device;

7 execute the operating system corresponding to the  
8 image of the operating system; and

9 communicate test information generated by the  
10 operating system to the host computing device for display.

11 The Office rejects claim 26 for the same reasons that claim 1 is rejected  
12 (*Office Action* dated 2/18/50 p.2). As described above in response to the rejection  
13 of claim 1, Kroening does not show or disclose a software development peripheral  
14 to receive an image of an operating system from a host computing device, execute  
15 the operating system corresponding to the image of the operating system, and then  
16 communicate test information generated by the operating system to the host  
17 computing device for display, as recited in claim 26.

18 Accordingly, claim 26 is allowable over Kroening for at least the several  
19 reasons described above in response to the rejection of claim 1, and Applicant  
20 respectfully requests that the §102 rejection be withdrawn.

21  
22 Claims 27-41 are allowable by virtue of their dependency upon claim 26.  
23 Additionally, some or all of claims 27-41 are allowable over Kroening for  
24 independent reasons. For example:  
25



1        Claim 28 recites that "the host computing device is further configured to  
2 recognize the software development peripheral as a plug and play device when the  
3 software development peripheral is communicatively linked with the host  
4 computing device." The Office rejects claim 28 for the same reasons that claim 2  
5 is rejected (*Office Action* p.3). As described above in response to the rejection of  
6 claim 2, there is no mention in the cited sections of Kroening of a component in a  
7 device that recognizes a software development peripheral as a plug and play  
8 device when the software development peripheral is communicatively linked with  
9 the host computing device, as recited in claim 28.

10        Accordingly, claim 28 is allowable over Kroening and the §102 rejection  
11 should be withdrawn.

12  
13        Conclusion

14        Pending claims 1-11 and 26-41 are in condition for allowance. Applicant  
15 respectfully requests reconsideration and issuance of the subject application. If  
16 any issues remain that preclude issuance of this application, the Examiner is urged  
17 to contact the undersigned attorney before issuing a subsequent Action.

18  
19        Respectfully Submitted,

20  
21        Dated: Aug. 30, 2005

22        By: 

23        David A. Morasch  
24        Lee & Hayes, PLLC  
25        Reg. No. 42,905  
      (509) 324-9256 x 210